

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division


ERIC CHENG (CABN 274118)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6557
FAX: (415) 436-7234
Eric.Cheng@usdoj.gov

Attorneys for United States of America

FILED
JUL -2 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 19-00257 SI
Plaintiff,)	STIPULATION AND [PROPOSED] PROTECTIVE
v.)	ORDER
(1) JOSHUA BARNES and)	
(8) GREGORY WILSON,)	
Defendants.)	

Plaintiff United States of America, by and through DAVID L. ANDERSON, United States Attorney for the Northern District of California, and Eric Cheng, Assistant United States Attorney for the Northern District of California, and defendants Joshua Barnes and Gregory Wilson, through their respective undersigned counsel, hereby stipulate and agree as follows:

Defendants Barnes and Wilson are charged with Conspiracy to Counterfeit Obligations of the United States in violation of 18 U.S.C. § 371 and Passing and Possessing Counterfeit Obligations of the United States in violation of 18 U.S.C. § 472. Defendant Barnes is also charged with Counterfeiting Obligations of the United States in violation of 18 U.S.C. § 471. Upon receipt of a discovery request, the United States will produce documents and other materials to each defendant pertaining to the defendant and the charged offenses to defense counsel. The discovery to be provided

STIPULATION AND [PROPOSED]
PROTECTIVE ORDER

28-mh

1 includes documents or other materials falling into one or more of the following categories (collectively,
2 "Protected Information"):

- 3 1. Personal Identifying Information of any individual (other than his or her name), including
4 without limitation any person's date of birth, social security number, residence or business
5 address, telephone numbers, email addresses, driver's license number, professional license
6 number, family members names, or criminal histories ("Personal Identifying Information");
- 7 2. Financial information of any individual or business, including without limitation bank
8 account numbers, credit or debit card numbers, account passwords, contact information, and
9 taxpayer identification numbers ("Financial Information"); and
- 10 3. Medical records or other patient information of any individual covered by the Health
11 Insurance Portability and Accountability Act of 1996 (HIPAA) ("Medical Information").

12 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,
13 **IT IS HEREBY ORDERED** that defense counsel of record, their investigators, assistants, and
14 employees (collectively, "defense team") may review with a defendant all discovery material produced
15 by the government, but shall not provide the defendant with copies of, or permit the defendant to make
16 copies of, or have unsupervised access to, any discovery material produced by the government that
17 contains Protected Information, unless the Personal Identifying Information, Financial Information,
18 and/or Medical Information has first been **entirely redacted** from the discovery materials. The
19 government and defense counsel are ordered to work together to ensure that these materials are
20 protected, but that each defendant has as much access to the materials as can be provided consistent with
21 this Court's order. Discovery material that clearly pertains to a specific defendant and does not contain
22 Protected Information regarding any other person (*e.g.*, the defendant's own bank records, telephone
23 records, and business records) may be provided to that defendant unredacted.

24 Defense counsel may also provide unredacted copies of Protected Information to any experts
25 retained to assist with the preparation of the defense in the captioned case. Each defendant, all members
26 of his or her defense team, and any experts who receive discovery under this Order shall be provided a
27 copy of this Order along with those materials and shall initial and date the order reflecting their
28 agreement to be bound by it.

1 The materials provided pursuant to this protective order may only be used for the specific
2 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

3 This Order shall also apply to any copies made of any materials covered by this Order.

4 **IT IS FURTHER ORDERED** that neither a defendant nor any member of his or her defense
5 team shall provide any discovery material produced by the government—whether or not the material
6 constitutes or contains Protected Information within the meaning of this Order—to any third party (*i.e.*,
7 any person who is not (1) a member of the defense team or (2) an expert who may receive discovery
8 under this Order) or make any public disclosure of the same, other than in a court filing, without the
9 government's express written permission or further order of this Court. If a party files a pleading that
10 references or contains or attaches Protected Information subject to this Order, that filing must be under
11 seal.¹

12 **IT IS FURTHER ORDERED** that defense counsel shall return materials subject to this
13 Protective Order (including any copies) to the United States within 14 days after whichever event occurs
14 last in time: dismissal of all charges against the defendant; defendant's acquittal; defendant's sentencing;
15 or the conclusion of any direct appeal. After the United States receives documents and materials subject
16 to this Order, it shall maintain those documents and materials until the period for filing a motion under
17 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has
18 expired, the United States is free to destroy documents and materials subject to this Order. If a
19 defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States
20 will provide counsel with the documents and materials subject to this Protective Order under the terms
21 of this Order. The defendant's attorney in any motion under 28 U.S.C. § 2255 shall return the
22 documents and materials subject to this Protective Order within 14 days after the district court's ruling
23 on the motion or 14 days after the conclusion of any direct appeal of the district court's order denying
24 the motion, whichever is later. This stipulation is without prejudice to either party applying to the Court
25 to modify the terms of any protective order. This Court shall retain jurisdiction to modify this Order
26 upon motion of either party even after the conclusion of district court proceedings in this case.

27
28 ¹ This Order authorizes such filings under seal and the parties are not required to seek additional
authorization from the Court to do so.


1 IT IS SO STIPULATED.

DAVID L. ANDERSON
United States Attorney

2
3
4 Dated: 6/26/2019


Eric Cheng
Assistant United States Attorney


5
6
7 Dated: 6/26/2019


ALAN DRESSLER
Counsel for Defendant JOSHUA BARNES

8
9
10
11
12
13
14 Dated: June 26, 2019


NIALL LYNCH
Counsel for Defendant GREGORY WILSON

15
16
17
18 Dated: 7/1/19


SUSAN ILLSTON
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEALED,

Plaintiffs,

v.

SEALED,

Defendants.

Case No.: [19-cr-00257-SI-1](#)

SEALED

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that:

- (1) I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California; and
- (2) On 7/2/2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's office.

Alan A Dressler
Alan A. Dressler
601 Montgomery St., Ste 850
San Francisco, CA 94111

Eric Cheng
United States Attorney's Office Northern District of California
450 Golden Gate Ave
11th Floor
San Francisco, CA 94102

Niall Edmund Lynch
Latham & Watkins LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538

Dated: 7/2/2019

Susan Y. Soong
Clerk, United States District Court


By: _____
Tracy Kasamoto, Deputy Clerk to the
Susan Illston